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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,623	04/16/2001	Hiroyuki Suzuki	1095.1182	3910

21171 7590 11/29/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
THOMPSON, JAMES A	

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/834,623	Applicant(s) SUZUKI ET AL.	
	Examiner James A. Thompson	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 3-19.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 11/14/05
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 14 November 2005 have been fully considered but they are not persuasive.

Regarding page 9, line 3 to page 10, line 33: *Applicant argues* that the combination of Ohsawa (US Patent 4,876,610) and Wada (US Patent 5,949,922) is improper since Examiner allegedly picks and chooses isolated disclosures in the prior art, and thus allegedly relies upon improper hindsight.

Examiner responds that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the case of the combination of Ohsawa and Wada, Examiner has demonstrated a proper reconstruction. Ohsawa teaches that the average halftone density is calculated in a given area defined by a central pixel and surrounding pixels [see page 5, lines 11-13 of the previous office action, dated 27 June 2005]. Wada teaches calculating center-of-gravity information about centers of gravity of halftone dots as information about each halftone dot in the area of an image [see page 7, lines 24-27 of said previous office action]. Thus, by combination, the calculations involving the central pixel taught by Ohsawa are performed in the manner set forth in Wada. The teachings of Ohsawa and Wada are thus clearly related to one another and the relevant

teachings of Wada can reasonably be used to modify the teachings of Ohsawa. Furthermore, the motivation to combine Wada with Ohsawa (or, to be precise, Yamashita (US Patent 5,555,362) in view of Ohsawa) is clearly found within Wada itself. The motivation to combine is that the center-of-gravity information and basing measurements, such as density, on the center of gravity reduces the overall noise in the image (column 14, lines 34-42 of Wada) [see page 8, lines 10-14 of said previous office action]. Therefore, the combination of Wada with Ohsawa fulfills the requirements of a proper combination.

Regarding page 11, line 1 to page 12, line 7: *Applicant argues* that Ohsawa and Edgar (US Patent 5,266,805) do not fully teach deleting corresponding halftone dot information from the halftone dot information list, when the halftone dot density does not meet a given condition, as recited in claim 3.

Examiner responds that, firstly, Ohsawa teaches that if the absolute difference between said average halftone dot density and said central pixel is larger than a pre-defined threshold, then said area is determined to be a line drawing/character area and is thus deleted from the set of halftone dot image areas and incorporated into the mapping of the line drawing/character image area map (figures 5a and 5b and column 4, lines 42-45 and lines 60-66 of Ohsawa) [see page 5, lines 13-20 of said previous office action]. Edgar teaches calculating a halftone dot density in a given area by referring to said list of halftone dot information (column 5, lines 63-67 of Edgar), and creating a halftone dot image area map (figure 1(36) of Edgar) according to said halftone dot information list from which the erroneously recognized halftone dot has been eliminated (column 6, lines 46-52 of Edgar) [see page 9, lines 5-10 of said previous office

action]. Thus, *by combination*, Ohsawa and Edgar fully teach "deleting corresponding halftone dot information from the halftone dot information list, when the halftone dot density does not meet a given condition." Ohsawa teaches deleting the image area information based on the threshold values, and Edgar teaches that said areas are denoted in a halftone dot image area map (and thus a halftone dot information list) and that the halftone dot image area map is created according to said halftone dot information list from which the erroneously recognized halftone dot has been eliminated (in other words, deleted as taught by Ohsawa). Thus, by combination, Ohsawa and Edgar fully teach the limitation disputed by Applicant.

Regarding page 12, lines 8-18: Said previous office action has abundantly demonstrated that the prior art cited teaches the presently recited claims and that one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of the cited prior art references. Applicant's arguments in this section are a mere allegation of patentability and do not substantively address said previous office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

23 November 2005

THOMAS D. [redacted]
PRIMARY EXAMINER